

passage without intervening motion except one motion to recommit, with or without instructions. After the passage of H.R. 4644, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 1118, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 4644 as passed. This special order shall be a continuing order until the bill is finally disposed of.<sup>(18)</sup>

## § 19. Interpretation and Effect

Since the interpretation and effect of special orders depends on their exact language and purpose, few general principles can be laid down in that regard.

While the general effect of the adoption of a resolution making in order the consideration of a bill is to give to the bill a privileged status, the adoption of the resolution making in order the consideration of a bill does not make the consideration of the bill mandatory unless so stated therein, and the bill must still be called up by a Member designated in the resolution or authorize by the committee to do so.<sup>(19)</sup>

18. H. Res. 515, 111 CONG. REC. 25185, 89th Cong. 1st Sess., Sept. 27, 1965.

19. See § 19.9, *infra*.

The Speaker in the House and the Chairman in the Committee of the Whole are often requested to interpret the effect of a pending or adopted order of business resolution. In responding to such inquiries, the Chair may rely upon the legislative history of the resolution, including hearings on the resolution, statements as to purpose and intent made by members of the Committee on Rules, and debate on the resolution in the House.<sup>(1)</sup> But the actions of the Committee on Rules in construing the rules of the House and their application to factual situations are not binding on the Chair, who has the responsibility to interpret the rules when the question is properly presented.<sup>(2)</sup>

The Speaker may decline to answer parliamentary inquiries, stated in the House, as to parliamentary situations which may arise in the Committee of the Whole when operating under a resolution affecting the order of business; such questions are properly presented, when they arise, to the Chairman of the Committee of the Whole.<sup>(3)</sup> The Speaker, moreover, will not entertain points of order against such resolutions on the ground that they

1. See §§ 19.1–19.3, *infra*.

2. See § 19.3, *infra*.

3. See §§ 19.4, 19.5, *infra*.

are inconsistent or that they abrogate the rules of the House, as it is for the House to pass on the efficacy of such resolutions by voting thereon.<sup>(4)</sup>

Similarly, the Chairman of the Committee of the Whole will not question the validity of the provisions of such a resolution which has been adopted by the House.<sup>(5)</sup>

### ***Chair's Interpretation of Special Orders***

**§ 19.1 Notwithstanding the adoption by the House of a resolution making in order the consideration of conference reports on the day reported (on that day), the Speaker indicated, in response to a parliamentary inquiry, that the legislative history which prompted the Committee on Rules to meet and report that resolution restricted his authority to recognize Members to call up three designated reports.**

On Oct. 18, 1972,<sup>(6)</sup> Mr. William M. Colmer, of Mississippi, called up, by direction of the Committee on Rules, House Resolution 1168,

providing for the consideration, on a certain day, of any reports from the Committee on Rules and any conference reports reported on that day. Mr. Colmer explained that the resolution was a product of an informal leadership agreement of the preceding day.

Speaker Carl Albert, of Oklahoma, then answered parliamentary inquiries on his exercise of the power of recognition under the resolution:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Speaker, under the resolution just agreed to, would it be in order for the House to consider the conference report when it is ready on S. 2087, Omnibus Crime Control and Safe Streets Act of 1968, benefits to survivors of police officers killed in line of duty, which was agreed upon and which was filed yesterday?

THE SPEAKER: The Chair must answer the gentleman in accordance with the language which the Chair used when this matter was before the House on yesterday. At that time the Chair stated, and no specific reference was made to any bill because it had been informally mentioned to the Members who were seeking the rule, that this rule would not be used for any other bill except those dealing with three items. Under that interpretation it would be in order to bring those conference reports upon the day on which they were filed. As the Chair understands his own language and his own informal agreement, which was a part of the history, the Chair would very much like to recognize the gentleman,

4. See § 19.7, *infra*.

5. See § 19.6, *infra*.

6. 118 CONG. REC. 37063, 37064, 92d Cong. 2d Sess.

but the Chair feels constrained to hold that the legislative history restricts all action under House Resolution 1168 to three measures, the highway bill, the debt ceiling bill, and the continuing resolution.

MR. RODINO: Mr. Speaker a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RODINO: Mr. Speaker, referring again to the rule adopted, was not the language strictly stated, and this is the language that I heard stated, the language referred to in the course of debate notwithstanding legislative history of yesterday, to consider conference reports the same day reported, notwithstanding the provisions of clause 2, rule XXVIII?

THE SPEAKER: The gentleman is referring to three conference reports which precipitated the action which brought into existence this resolution.

The Chair would like to recognize the gentleman, but the Chair feels that its own promise is at stake here.

The Chair will try to find some other method of recognizing the gentleman.

The Chair does not feel that in good faith or in good conscience it can recognize the gentleman under the circumstances. . . .

The Chair feels constrained to say—and the Chair hates to make a statement from the chair on issues like this—it was suggested these three bills which the Chair has mentioned be listed in the resolution. The Chair said that was not necessary; that was the understanding, and it would simply complicate the resolution by naming the three bills. That is what happened.

The Chair recognizes that had it not been for that understanding and legis-

lative history, which is in the Record, this would have been eligible under the clear language of the resolution.

The Chair would gladly recognize the gentleman for a unanimous-consent request to bring it up now.

*Parliamentarian's Note:* When called upon to interpret the provisions of a special rule adopted by the House, the Speaker may examine the legislative history of that resolution, including debate and statements of members of the Committee on Rules during its consideration in the House.

**§ 19.2 In construing a resolution waiving points of order, the Chairman of the Committee of the Whole may examine debate on the resolution in the House in determining the scope of the waiver.**

On June 22, 1973,<sup>(7)</sup> Mr. Edward P. Boland, of Massachusetts, made a point of order against three amendments offered en bloc by Mr. Robert O. Tiernan, of Rhode Island, to H.R. 8825 (the HUD and independent agencies appropriation bill) on the ground that they violated Rule XXI clause 2, prohibiting legislation on an appropriations bill. Before reaching the question whether the amendments did in fact violate that rule,

7. 119 CONG. REC. 20981–83, 93d Cong. 1st Sess.

Chairman James G. O'Hara, of Michigan, heard argument on and ruled on the scope of the resolution providing for the consideration of the bill and waiving certain points of order:

THE CHAIRMAN: The Chair is prepared to rule.

The Chair feels that it will be necessary first to speak on the contention raised by the gentleman from Rhode Island (Mr. Tiernan) and amplified upon by the gentleman from Connecticut (Mr. Giaimo) with respect to the provisions of the resolution under which the bill is being considered, and whether or not the provisions of that resolution have an effect on the point of order made by the gentleman from Massachusetts (Mr. Boland).

The gentleman from Connecticut (Mr. Giaimo) is correct in asserting that if the amendment offered by the gentleman from Rhode Island (Mr. Tiernan) is out of order at all it is out of order because of the second sentence of clause 2 of rule XXI, which contains the provisions that "nor shall any provision in any such bill or amendment thereto changing existing law be in order," and so forth, setting forth exceptions. But the gentleman from Connecticut (Mr. Giaimo) contends, and the gentleman from Rhode Island (Mr. Tiernan) concurs, that the resolution providing for the consideration of the bill waives the provisions of that rule. The Chair has again read the rule. It says:

*Resolved*, That during the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Develop-

ment . . . the provisions of clause 2, rule XXI are hereby waived.

It does not say that points of order are waived only with respect to matters contained in the bill. It says "During the consideration of the bill" the provisions of clause 2 of rule XXI are waived.

The Chair was troubled by that language and has examined the statements made by the members of the Committee on Rules who presented the rule to see if their statements in any way amplified or explained or limited that language. The Chair has found that both the gentleman from Louisiana (Mr. Long) and the gentleman from Ohio (Mr. Latta) in their explanations of the resolution did, indeed, indicate that it was their intention, and the intention of the committee, that the waiver should apply only to matters contained in the bill and that it was not a blanket waiver.

Therefore whatever ambiguity there may have been in the rule as reported, the Chair is going to hold, was cured by the remarks and legislative history made during the presentation of the rule, which were not disputed in any way by the gentleman from Connecticut or anyone else. However, the Chair, recognizes that it is a rather imprecise way of achieving that result and would hope that in the future such resolutions would be more precise in their application.

**§ 19.3 In ruling on the germaneness of an amendment, the Chair considers the purpose of the amendment with relation to the bill under consideration, and is not**

**bound by the fact that the Committee on Rules, in reporting the resolution providing for the consideration of the bill, specifically waived points of order against the consideration of a similar amendment.**

On Mar. 15, 1960,<sup>(8)</sup> Mr. Howard W. Smith, of Virginia, made a point of order, on the grounds of germaneness, against an amendment offered by Mr. William M. McCulloch, of Ohio, to H.R. 8601, to enforce constitutional rights and for other purposes. In argument on the point of order, Mr. Smith stated in support of his contention that the amendment was not germane, that the Committee on Rules had reported a resolution for the consideration of the bill, which resolution waived points of order against a specified amendment containing similar language. Mr. Emanuel Celler, of New York, and Mr. Charles A. Halleck, of Indiana, argued that the action of the Committee on Rules in resolving any doubts about the nongermaneness of an amendment by waiving points of order should not indicate whether the amendment was in fact germane. Chairman Francis E. Wal-

ter, of Pennsylvania, ruled as follows:

THE CHAIRMAN: The Chair is ready to rule.

It is quite true that the rule House Resolution 359, under which H.R. 8601 is being considered, contains the language that the gentleman from Virginia mentioned a moment ago, concerning putting in order H.R. 10035 in order to eliminate any question of germaneness of that particular proposal.

The Chair dislikes to substitute the judgment of the Chair for that of the distinguished Committee on Rules, but, frankly, the Chair does not believe that including this language necessarily binds the present occupant of the Chair.

It is quite true that the measure, H.R. 8601, deals with Federal election records, and the Chair is quite certain that the membership agrees with the Chair that the scope is rather narrow. However, the Chair feels that the amendment offered by the gentleman from Ohio has to do with the basic purpose of title 3 of the bill H.R. 8601.

The Chair overrules the point of order.

### ***Interpretations Not Within the Chair's Province***

**§ 19.4 During consideration in the House of a resolution waiving points of order against a designated amendment, the Speaker declined to respond to a parliamentary inquiry concerning amendments which might be**

8. 106 CONG. REC. 5655-57, 86th Cong. 2d Sess.

**offered to that amendment in Committee of the Whole, since the Speaker does not construe parliamentary situations which might arise in the Committee of the Whole.**

On June 29, 1973,<sup>(9)</sup> the House was considering House Resolution 479, providing for the consideration of H.R. 9055, a supplemental appropriations bill; the resolution waived points of order against a designated amendment which contained legislation. Mr. James J. Pickle, of Texas, inquired of Speaker Carl Albert, of Oklahoma, as to the process of amending the amendment designated in the resolution. The Speaker responded as follows:

The Chair will answer that this is a matter for the Chairman of the Committee of the Whole House on the State of the Union.

The Chair is not able at this time to take over the responsibility of making parliamentary rulings from the Chairman of the Committee of the Whole House.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, the Speaker is absolutely correct. This is something that can be taken up in the Committee of the Whole House on the State of the Union

#### **§ 19.5 The Speaker declined, in response to a parliamentary**

9. 119 CONG. REC. 22336, 22337, 93d Cong. 1st Sess.

**inquiry, to interpret the provisions of a resolution which would control the consideration of amendments in the Committee of the Whole.**

On Apr. 16, 1973,<sup>(10)</sup> the House was considering a resolution making in order the consideration of a bill in the Committee of the Whole, where the resolution made in order a designated amendment as an amendment in the nature of a substitute, and if that amendment was rejected made in order the committee amendments printed in the bill. In response to a parliamentary inquiry as to the procedure in the consideration of such amendments in the Committee of the Whole, Speaker Carl Albert, of Oklahoma, stated that the question was properly for the Chairman of the Committee of the Whole and that the Speaker did not desire to "get into the parliamentary situation which would properly be considered in the Committee of the Whole."

#### **§ 19.6 It is the duty of the Chair to determine whether language in a pending bill conforms with the rules of the House, but where the House has adopted a resolution waiving points of order**

10. 119 CONG. REC. 12501, 12503, 93d Cong. 1st Sess.

**against provisions in violation of the standing rules, the Chair will not construe the constitutional validity of those provisions.**

On May 10, 1973,<sup>(11)</sup> the Committee of the Whole was considering for amendment under the five-minute rule the bill H.R. 7447, making supplemental appropriations, where the House had previously adopted House Resolution 389 waiving points of order against unauthorized appropriations, legislation, and reappropriations of unexpended balances in the bill. Mr. Sidney R. Yates, of Illinois, made a point of order against language contained in the bill, appropriating moneys for the Department of Defense, on the grounds that such appropriation violated constitutional principles:

Mr. Chairman. I make a point of order against the language set forth in lines 10, 11, and 12, on page 6.

Article I, section 8, of the Constitution of the United States says:

"The Congress shall have the power to declare war."

Congress has not declared war against Cambodia or Laos or against any other country in Southeast Asia for that matter. Congress has not given the President any authority to use the American Armed Forces in Cambodia and Laos. Nevertheless, on

order of President Nixon, American military planes are bombing in both those countries. The appropriation contained in the transfer authority includes funds to continue the bombing of Cambodia and Laos. . . .

Now, my argument, Mr. Chairman, will not relate to an interpretation by the Chair of the Constitution. I want to make that clear at this point.

Rule XXI, paragraph 2, of the Rules of the House says:

No appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

Mr. Chairman, under that rule it is not enough that there be ordinary legislative authority which is required for other appropriations. It is not enough that there be ordinary legislative authority upon which to base an appropriation for American Armed Forces to engage in war.

There must be constitutional authority for that appropriation as well, namely, there must be congressional approval for American forces to engage in a war. Both authorizations are essential for that kind of appropriation.

Mr. Chairman, I am contending that there are two forms of legislative authorization that are essential for military appropriations which are to be used to carry on a war, as the bombing is in Cambodia and Laos. One is the ordinary legislative authorization, and the other, which is necessary, also, is a following of the constitutional mandate as well.

It will be argued, Mr. Chairman, what difference does that make? Points of order have been waived by rule approved by the House and granted by

11. 119 CONG. REC. 15290, 15291, 93d Cong. 1st Sess.

the Committee on Rules. That argument might be appropriate with respect to the need for ordinary legislation which would authorize the use of that transfer of authority, but, as I pointed out, we have two forms of legislation. While that waiver of points of order might apply to ordinary legislation, it cannot apply to a waiver of the constitutional provisions, because the Committee on Rules cannot waive any constitutional provisions. The provisions of the Constitution cannot be waived by the Committee on Rules, because to hold otherwise would be to authorize any unconstitutional action by the House. This House cannot pass any rule of procedure that would vitiate or violate any provision of the Constitution. . . .

I am asking the Chair for its ruling on two points. One, I ask the Chair to rule with respect to military appropriations which provide funds for American Armed Forces to engage in war under rule XXI, section 2, of the Rules of Procedure of the House of Representatives, which states there must be, as well as any other legislation authorizing such action, compliance with article I, section 8, of the U.S. Constitution, which requires the approval of the Congress for American Armed Forces to engage in that war; and, secondly, I am asking the Chair to rule that the requirements in article I, section 8, cannot be waived by any rule of the Committee on Rules.

Mr. Chairman, with your ruling, if favorable, the language authorizing the transfer authority should be stricken.

After further argument, Chairman Jack B. Brooks, of Texas, ruled as follows:

The Chair is ready to rule.

The Chair has read the resolution, and the resolution adopted by the House under which this legislation is being considered says that—

All points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

Under clause 2, which the Chair has read, the pending paragraph would be subject to a point of order, as legislation, were it not for this rule.

The Chair is not in a position, nor is it proper for the Chair to rule on the constitutionality of the language, or on the constitutionality or other effect of the action of the House in adopting the resolution of the Committee on Rules. In the head notes in the precedents of the House it very clearly states that it is not the duty of a chairman to construe the Constitution as it may affect proposed legislation, or to interpret the legality or effect of language; and the Chair therefore overrules the point of order raised by the gentleman from Illinois (Mr. Yates).

**§ 19.7 A point of order does not lie against the consideration of a resolution, reported by the Committee on Rules and properly before the House as a privileged matter, on the ground that its adoption will abrogate the provisions of a House rule, as it is for the House and not the Chair to determine the order of its proceedings.**



On Nov. 28, 1967,<sup>(12)</sup> the previous question had been moved on House Resolution 985, called up by direction of the Committee on Rules, providing for concurring in a Senate amendment to a House bill; the resolution was necessary in order to waive the requirement of Rule XX clause 1, that Senate amendments be considered in Committee of the Whole if originating in the House they would be subject to that procedure. Speaker John W. McCormack, of Massachusetts, overruled a point of order against the resolution:

MR. [PAUL C.] JONES OF MISSOURI: Mr. Speaker, I make a point of order against a vote on this resolution, and I make the point of order based entirely on rule XX, which says that any amendment of the Senate to any House bill shall be subject to a point of order that it shall first be considered in the Committee of the Whole House on the State of the Union. If it originated in the House it would be subject to that point of order. I believe there is no question about it being subject to a point of order should it originate here in this House. Until that issue is debated in the Committee of the Whole House on the State of the Union I believe that we are violating rule XX of the House rules.

THE SPEAKER: The Chair will state that the Chair has previously ruled on the point of order raised by the gentleman, and the matter is one that is

now before the House for the consideration of the House, and the will of the House.

For the reasons heretofore stated and now stated, the Chair overrules the point of order.

MR. JONES OF MISSOURI: Respectfully, Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. JONES OF MISSOURI: Mr. Speaker, can the Chair tell me under what authority the House can consider this in the House rather than in the Committee of the Whole House on the State of the Union, in view of rule XX which says it shall first be considered in the Committee of the Whole House on the State of the Union?

THE SPEAKER: The Chair will state that the House can change its rules at any time upon a resolution that is properly before the House reported by the Committee on Rules. The present resolution has been put before the House by the Committee on Rules within the authority of the Committee on Rules, therefore the matter presents itself for the will of the House.

MR. JONES OF MISSOURI: Mr. Speaker, a further parliamentary inquiry.

The reason I am making this is that I want to get some record on this for this reason: The Chair has said that the Committee on Rules may make a resolution which has not been adopted by the House which summarily amends the Rules of the House which the Members of the House are supposed to rely upon.

This rule has not been adopted as yet.

THE SPEAKER: The Chair will state that the Committee on Rules has reported the rule under consideration—

12. 113 CONG. REC. 34038, 34039, 90th Cong. 1st Sess.

MR. JONES OF MISSOURI: But it has never been voted upon.

THE SPEAKER: The Chair will state that we are about to approach that matter now.

MR. JONES OF MISSOURI: And I am challenging that, and the point of order is made that we cannot vote on that because it says in rule XX that this first shall be considered in the Committee of the Whole House on the State of the Union.

THE SPEAKER: The Chair cannot be any more specific or clear in responding to the point of order or in answering the gentleman's parliamentary inquiry.

The matter is properly before the House and it is a matter on which the House may express its will.

**§ 19.8 The question whether the House will consider a resolution making in order the consideration of a bill which allegedly seeks to amend a nonexistent law is a matter for the House and not the Chair to decide.**

On May 13, 1953,<sup>(13)</sup> Mr. Leo E. Allen, of Illinois, called up, by direction of the Committee on Rules, a resolution providing for the consideration of a bill to amend the "Submerged Lands Act," reported from the Committee on the Judiciary Speaker Joseph W. Martin, Jr., of Massachusetts, overruled a point of order against

13. 99 CONG. REC. 4877, 83d Cong. 1st Sess.

the consideration of the resolution:

MR. [MICHAEL A.] FEIGHAN [OF OHIO]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. FEIGHAN: Mr. Speaker, I make a point of order against the consideration of this rule because it attempts to make in order the consideration of the bill H.R. 5134, which is a bill to amend a nonexistent act.

THE SPEAKER: The Chair will state that the point of order that has been raised by the gentleman from Ohio is not one within the jurisdiction of the Chair, but is a question for the House to decide, whether it wants to consider such legislation.

The Chair overrules the point of order.

***Effect of Adoption of Special Order***

**§ 19.9 The adoption of a resolution making in order the consideration of a bill does not necessarily make the bill the unfinished business the next day, and the bill can only be called up by a Member designated by the committee to do so.**

On July 19, 1939,<sup>(14)</sup> the House adopted a resolution from the Committee on Rules making in order the consideration of a bill. Speaker William B. Bankhead, of Alabama, an-

14. 84 CONG. REC. 9541, 76th Cong. 1st Sess.

swered a parliamentary inquiry on the status of the bill thereby made in order as unfinished business:

MR. [CLAUDE V.] PARSONS [OF ILLINOIS]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?

THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

**§ 19.10 The effect of a special rule providing for the consideration of a bill is to give to the bill the privileged status for consideration that a revenue or appropriation bill has under Rule XVI clause 9.**

On June 28, 1930,<sup>(15)</sup> Mr. Fred S. Purnell, of Indiana, called up by direction of the Committee on Rules, House Resolution 264, providing that upon the adoption of the resolution it be in order to move that the House resolve itself into the Committee of the Whole for the consideration of a particular bill, and providing for that bill's consideration. Speaker Nich-

olas Longworth, of Ohio, overruled a point of order against the resolution and characterized the effect of such a resolution from the Committee on Rules:

MR. [CARL R.] CHINDBLOM [of Illinois]: Mr. Speaker, if pressed, I will make the point of order that the resolution from the Committee on Rules is not in order because it relates to a bill which is not now upon the calendar of the House under the conditions and in the status which existed when this resolution was adopted by the Committee on Rules.

The calendar shows that H.R. 12549 was reported to the House on June 24, 1930, Report No. 2016, and was placed on the House Calendar. The resolution or rule now called up for consideration by the Committee on Rules was presented to the House June 20, 1930, and therefore before the bill on the calendar had been reported to the House.

Of course, we all know that this bill is now upon the calendar for the third time. A previous rule was adopted for its consideration on June 12, 1930, and at that time a point of order was made, when it was sought to take up the bill in Committee of the Whole House on the state of the Union, on the ground that the report did not comply with the Ramseyer rule. Subsequently, after the present rule was presented in the House on June 20, 1930, I think it is well known that another irregularity in the adoption of the report became known, so, on June 23, if my recollection is correct, the chairman of the Committee on Patents obtained unanimous consent to withdraw the bill and the report, and the bill was thereupon

15. 72 CONG. REC. 11994, 11995, 71st Cong. 2d Sess.

reported the following day and placed upon the House Calendar.

The situation is novel and arises, so far as I can learn, for the first time, and it raises the question whether the Committee on Rules has authority in advance of the report of a bill, and in advance of the placing of a bill on any calendar of the House, to bring in a rule for the consideration of the bill under the general rules of the House, as this resolution does, because the rule merely makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill. As I construe the rule, it does not suspend any of the rules of the House in reference to the consideration of legislation. It does not suspend the rule which requires bills to be upon the calendar of the House before they can have consideration. . . .

MR. [JOHN Q.] TILSON [of Connecticut]: Mr. Speaker, will the gentleman yield?

MR. CHINDBLOM: Yes.

MR. TILSON: Does not the effect of this resolution date from the time it is adopted by the House, and not from the time it was reported by the Committee on Rules? And if we today in the House adopt the rule, is not the effect of the rule to be applied as of today, and not three or four days ago, when the rule was reported?

THE SPEAKER: The Chair is prepared to rule. It is not necessary to pass upon the question of whether the original rule for the consideration of this bill is still alive or not. The Chair, when the matter was originally submitted to him, informally expressed a grave doubt as to whether it would be

considered alive. But this rule is an entirely different rule. It appears now for the first time for consideration. The Chair is aware that this bill has had a rather stormy passage. It has been twice rereferred to the committee, but as the bill now appears, so far as the Chair is advised, it is properly on the calendar as of June 24, 1930, and this special rule is properly reported to consider that bill. The Chair thinks that all that special rules of this sort do is to put bills for which they are provided in the same status that a revenue or appropriation bill has under the general rules of the House. Clause 9 of Rule XVI provides:

At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.

Now all that this special rule does is to give the same status to this particular bill at this particular time. The Chair has no hesitation in saying that the Committee on Rules has acted with authority, and that it will be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill after the resolution is passed.

**§ 19.11 Where a special rule gives a highly privileged status to a motion for a recess, such motion takes precedence over a motion to adjourn.**

On June 4, 1934,<sup>(16)</sup> Speaker Henry T. Rainey, of Illinois, ruled that a motion to recess, given privilege by a special rule, took precedence over a motion to adjourn:

MR. [JOSEPH W.] BYRNS [of Tennessee]: Mr. Speaker, under the rules it is in order today to call up bills under suspension of the rules and to call the Consent Calendar. We have been here since 11 o'clock. The entire day has been taken up in suspensions. There are quite a number of bills on the Unanimous Consent Calendar. A number of Members have come to me and said they were very anxious to have those bills called. Perhaps this will be the last time the Consent Calendar can be called during this session. I think it is only fair that this legislative day shall go over until tomorrow.

Mr. Speaker, I move that the House stand in recess until 11 o'clock tomorrow.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, I offer a preferential motion.

Mr. Speaker, I move that the House do now adjourn.

MR. BYRNS: Mr. Speaker, under the rule adopted last week my motion is highly privileged.

16. 78 CONG. REC. 10470, 10471, 73d Cong. 2d Sess.

THE SPEAKER: The gentleman from Wisconsin cannot be recognized.

The special rule referred to was reported from the Committee on Rules and adopted on June 1, 1934:

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I call up a privileged report (Rept. No. 1856) from the Committee on Rules (H. Res. 410) and ask for its immediate consideration.

The Clerk read as follows:

#### HOUSE RESOLUTION 410

*Resolved*, That during the remainder of the second session of the Seventy-third Congress it shall be in order for the Speaker at any time to entertain motions, to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII; it shall also be in order at any time during the second session of the Seventy-third Congress for the majority leader to move that the House take a recess, and said motion is hereby made of the highest privilege; and it shall also be in order at any time during the second session of the Seventy-third Congress to consider reports from the Committee on Rules, as provided in clause 45, rule XI, except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during the remainder of this session of Congress.<sup>(17)</sup>

17. *Id.* at p. 10239.